

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
SOUTHERN DISTRICT OF TEXAS
ENTERED
July 22, 2016
David J. Bradley, Clerk

PHYLLIS PRICE,
Plaintiff,

vs.

UNITED STATES DEP'T OF EDUCATION,
Defendant.

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CIVIL ACTION H-14-3441

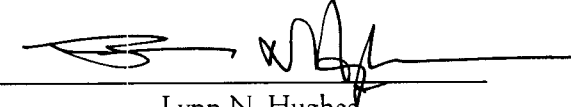
Order of Adoption

On July 1, 2016, Magistrate Judge Stephen Wm. Smith issued a memorandum and recommendation (30). No party filed objections. The memorandum and recommendation is adopted as this court's order.

Plaintiff's motion for summary judgment (17) is granted and defendant's motion for summary judgment (18) is denied because the Department of Education's denial of Price's request for a student loan discharge was arbitrary, capricious, an abuse of discretion, and not otherwise in accordance with law.

The court will issue a separate final judgment discharging Price's obligation on her Federal Consolidation Loan Debt No. 17749770 and ordering the Department to refund the \$1,799.44 garnished from her wages in partial payment of the debt.

Signed July 22, 2016, at Houston, Texas.


Lynn N. Hughes
United States District Judge